

### **REMARKS**

Prior to this amendment, claims 1-37 were pending. Previously, claims 3, 15 17 and 24 have been canceled and claim 7 was amended. Applicants address each of the objections and rejections in the order in which they appear in the Action. No new matter has been added via these amendments to the claim set, and Applicants reserve their right to pursue the subject matter canceled or described in the specification and not claimed in the pending claims in the future.

In the Office Action of July 21, 2009 the Office indicated that claims 1, 2, 4-6, 9-14, 16, 18-23, 25 and 27-37 were allowed. In the same Office Action claims 7, 8, and 26 were objected to as being dependent upon a rejected base claim. Claim 7 was amended to depend on claim 6 and thus claims 8 and 26 now also depend on claim 6. The Office Action also indicated that claims 3, 15 and 17 were rejected in the Office Action Summary while indicating that claims 13, 15 and 17 were rejected in the Detailed Action (page 2). Applicant's initial Response, indicated in PAIR as received December 21, 2009, was directed towards the former case while in subsequent review Applicant now feels that the latter case was indeed intended by the Office. This Supplemental Response is directed toward the latter case and Applicant's would appreciate consideration of the Response contained herein.

#### **I. Information Disclosure Statement**

Applicants note that Reference No. 3 listed on the Form PTO-1449 submitted on August 3, 2006 was not considered. Applicants request that the Examiner consider the reference and return a fully-initialed copy of the Form PTO-1449 with the next communication.

#### **II. Section 102(b) Rejection Overcome**

The rejection of claims 3, 15, and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,085,351 (Martin) is moot in light of the canceled claims.

### **III. Double Patenting Rejection Overcome**

Claims 1-37 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-24, 36-69, 85, and 92 of copending Application No. 10/597,678 claims 1-22, 34-69, 83, and 90 of copending Application No. 10/597,683; claims 1-46 of copending Application No. 10/597,703; claims 1-24, 36-69, 85, and 92 of copending Application No. 10/597,624 and claims 1-25, 37-71, 85, and 92 of copending Application No. 10/597,690. Applicants respectfully traverse these rejections.

Applicants have concurrently filed a terminal disclaimer.

### **IV. Conclusion**

All claim rejections and objections being addressed in full, Applicants respectfully request the withdrawal of the outstanding objections and rejections and the issuance of a Notice of Allowance. Should the Examiner have any questions regarding the foregoing, Applicants respectfully request that the Examiner contact the undersigned, who can be reached at (919) 483-9995.

Respectfully submitted,

/Dwight S. Walker/  
Dwight S. Walker  
Agent for Applicant  
Reg. No. 63,170

Date: January 21, 2010  
Customer No. 23347  
GlaxoSmithKline  
Corporate Intellectual Property  
Five Moore Drive, P.O. Box 13398  
Research Triangle Park, NC 27709-3398  
Telephone: (919) 483-9995  
Facsimile: (919) 483-7988